

HOUSE BILL 289

Unofficial Copy
J2

2001 Regular Session
(11r0204)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **Delegate Hubbard**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations - Massage Therapists and Non-Therapeutic Massage**
3 **Practitioners**

4 FOR the purpose of ~~exempting the practice of energy therapy from the definition of~~
5 ~~"massage therapy" under the law, thereby exempting practitioners of energy~~
6 ~~therapy from the certification and registration requirements for massage~~
7 ~~therapists;~~ repealing the exemption from certification or registration for
8 individuals who practice massage therapy and non-therapeutic massage in
9 certain health clubs ~~and; and altering the exemption for certain individuals~~
10 ~~working in~~ certain beauty salons.

11 BY repealing and reenacting, with amendments,
12 Article - Health Occupations
13 Section ~~3-5A-01(g) and~~ 3-5A-05(a)
14 Annotated Code of Maryland
15 (2000 Replacement Volume)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Health Occupations**

4 3-5A-01.

5 ~~(g) (1) "Massage therapy" means the use of manual techniques on soft~~
6 ~~tissues of the human body including effleurage (stroking), petrissage (kneading),~~
7 ~~tapotement (tapping), stretching, compression, vibration, and friction, with or~~
8 ~~without the aid of heat limited to hot packs and heating pads, cold water, or~~
9 ~~nonlegend topical applications, for the purpose of improving circulation, enhancing~~
10 ~~muscle relaxation, relieving muscular pain, reducing stress, or promoting health and~~
11 ~~well-being.~~

12 (2) ~~"Massage therapy" does not include:~~

13 (i) ~~The diagnosis or treatment of illness, disease, or injury; [or]~~

14 (ii) ~~The adjustment, manipulation, or mobilization of any of the~~
15 ~~articulations of the osseous structures of the body or spine; OR~~

16 (iii) ~~THE LAYING ON OF HANDS CONSISTING OF PRESSURE OR~~
17 ~~MOVEMENT ON A FULLY CLOTHED INDIVIDUAL TO SPECIFICALLY AFFECT THE~~
18 ~~ELECTROMAGNETIC, ENERGY, OR ENERGETIC FIELD OF THE HUMAN BODY.~~

19 (3) ~~IN PARAGRAPH (2)(III) OF THIS SUBSECTION, "FULLY CLOTHED" DOES~~
20 ~~NOT REQUIRE THE WEARING OF FOOTWEAR.~~

21 ~~[(3)] (4) The provisions of paragraph (2) of this subsection do not~~
22 ~~preclude the application of the modalities described in paragraph (1) of this~~
23 ~~subsection to an individual who has an injury.~~

24 3-5A-05.

25 (a) (1) Except as otherwise provided in this subtitle, an individual shall be:

26 (i) Certified by the Board before the individual may practice
27 massage therapy in this State; or

28 (ii) Registered by the Board before the individual may practice
29 non-therapeutic massage in this State.

30 (2) This section does not apply to:

31 (i) A student enrolled in an approved education program as
32 determined by the Board while practicing massage therapy in that program;

33 (ii) An individual permitted to practice massage therapy under
34 regulations adopted by the Board, if the individual:

1 1. Otherwise has qualified to practice massage therapy in
2 any other state or country that has substantially similar requirements for
3 authorization to practice massage therapy and the individual is in this State for no
4 more than 7 days; or

5 2. Has an application for a certificate pending before the
6 Board but has not taken the examination required under this section or has taken an
7 examination under this section, but the results of the examination are not yet known;

8 (iii) A family member practicing massage therapy on another family
9 member;

10 (iv) An athletic trainer while functioning in the course of the
11 athletic trainer's professional capacity; ~~OR~~

12 (v) An individual employed by the federal government to practice
13 massage therapy while practicing within the scope of the individual's employment; ~~;~~

14 [(vi) An individual who is working in a facility that provides health
15 club services for which the seller of the services has registered with the Consumer
16 Protection Division of the Office of the Attorney General as required under §
17 14-12B-02 of the Commercial Law Article;] or

18 ~~(vii)~~ (VI) An individual working in a beauty salon ~~for;~~

19 1. FOR which the person who operates the beauty salon has
20 obtained a permit from the State Board of Cosmetology as required under § 5-501 of
21 the Business Occupations and Professions Article; AND

22 2. IN WHICH THE INDIVIDUAL IS PROVIDING COSMETOLOGY
23 AND ESTHETIC SERVICES, INCLUDING THE APPLICATION AND REMOVAL OF SKIN OR
24 SKIN CARE PRODUCTS.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 ~~October June~~ October 1, 2001.